

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LIEP KEK YIEL,

Defendant.

4:22-CR-3118

ORDER

This matter is before the Court on correspondence from the defendant that has been filed as a motion for copies (filing 217). The Court will deny the defendant's motion.

The defendant does not have the right to receive copies of documents without payment, even if he is indigent. See [28 U.S.C. § 1915](#); *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980). And the defendant's motion does not explain why he needs the copies. Presumably, it relates to his pending motion (filing 214) to vacate his conviction—but the only issue presented by that motion is a Second Amendment facial challenge to 18 U.S.C. § 924(o), which doesn't implicate the documents he's requesting.

In addition, the defendant requests a transcript of sentencing, but no such transcript was prepared. An indigent defendant bringing a postconviction proceeding under [28 U.S.C. § 2255](#) may have a transcript prepared at the government's expense, if the suit is not frivolous *and* the transcript is needed to decide the issue presented. [28 U.S.C. § 753](#). At this point, that request is premature. See *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995).

If the defendant moves forward with a § 2255 motion, see filing 215, the Court will at that time consider whether or not his motion is frivolous and whether a transcript is necessary. Alternatively, the defendant can pay for a

transcript to be prepared. The Court will direct the Clerk's Office to provide the defendant with a copy of a request for transcript form, which the defendant may complete and return. The defendant's sentencing hearing was recorded by a court reporter, so if the defendant returns the request for transcript form, the court reporter will contact the defendant to arrange for payment of the fee.

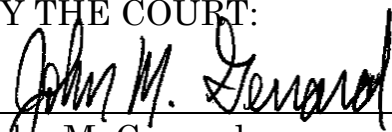
The defendant may also pay the Clerk of the Court for copies of other documents at the established rate of 50¢ per page. The other documents he has requested—the plea agreement, judgment, and "sentencing memo," which the Court construes as the objection, motion for variance, and brief in support filed by his counsel before sentencing—total 33 pages for a cost of \$16.50, which must be prepaid when requested. Accordingly,

IT IS ORDERED:

1. The defendant's motion for copies (filing 217) is denied.
2. The Clerk of the Court is directed to provide the defendant with a copy of this order and a request for transcript form.

Dated this 24th day of March, 2025.

BY THE COURT:



John M. Gerrard
Senior United States District Judge